

REMARKS

Claims 1-20 are pending in the present application. In the Office Action mailed May 16, 2008, the Examiner rejected claims 1-3 and 17 under 35 U.S.C. §103(a) as being unpatentable over Shankaranarayanan et al. (USP 7,251,520). The Examiner next rejected claims 4-6 under 35 U.S.C. §103(a) as being unpatentable over Shankaranarayanan et al. as applied to claim 3, and further in view of Foo et al. (USP 5,256,967). Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Foo et al. (USP 6,498,946).

Claims 15 and 16 are allowed. Claims 7, 9-14, and 18-20 were indicated as containing allowable subject matter. Such indication is appreciated.

Rejection of Claims 1-6, 8, and 17 under 35 U.S.C. §103(a)**Claims 1-3 and 17**

The Examiner rejected claims 1-3 and 17 under 35 U.S.C. §103(a) as being unpatentable over Shankaranarayanan et al. (USP 7,251,520). However, the Shankaranarayanan et al. reference cannot be used in a §103 rejection, as the inventors of the present application were obligated to assign their rights in the invention to the same assignee of Shankaranarayanan et al. More particularly, as acknowledged by the Examiner, Shankaranarayanan et al. only qualifies as prior art under 35 U.S.C. §102(e). Therefore, the reference cannot be cited against the present application in a §103 rejection if it can be shown that the inventors of the present application were obligated to assign their rights to the present application to GE Medical Systems Global Technology Co., LLC, assignee of Shankaranarayanan et al. As such, Applicant refers the Examiner to the assignment recorded at Reel/Frame 016212/0534, which establishes that the present invention and Shankaranarayanan et al. were commonly owned. The assignee of the present application is now General Electric Co., of which GE Medical Systems Global Technology Co., LLC is a wholly owned subsidiary thereof.

Accordingly, as both the present application and Shankaranarayanan et al. were obligated to assign the rights of their invention to the same assignee, and Shankaranarayanan et al. only qualifies as prior art under 35 U.S.C. §102(e), the reference is disqualified as prior art under 35 U.S.C. §103(c). As such, Applicant respectfully requests that the rejection to claims 1-3 and 17 under 35 U.S.C. §103(a) be withdrawn.

Claims 4-6

The Examiner also rejected dependent claims 4-6 under 35 U.S.C. §103(a) as being unpatentable over Shankaranarayanan et al. in view of Foo (USP 5,256,967). However, as was set forth above with respect to claims 1-3 and 17, Shankaranarayanan et al. only qualifies as prior art under 35 U.S.C. §102(e), and as both the present application and Shankaranarayanan et al. were obligated to assign their rights to the same assignee, Shankaranarayanan et al. is disqualified as prior art under 35 U.S.C. §103(c). Accordingly, Applicant respectfully requests that the rejection of claims 4-6 under 35 U.S.C. §103(a) be withdrawn.

Claim 8

Considering claim 8, the Examiner rejected the claim under 35 U.S.C. §103(a) as being unpatentable over Foo (USP 6,498,946 B1). However, Foo '946 cannot be used in a §103 rejection, as the inventors of the present application were obligated to assign their rights in the invention to the same assignee of Foo '946. More particularly, as acknowledged by the Examiner, Foo '946 only qualifies as prior art under 35 U.S.C. §102(e). Therefore, the reference cannot be cited against the present application in a §103 rejection if it can be shown that the inventors of the present application were obligated to assign their rights to the present application to GE Medical Systems Global Technology Co., LLC, assignee of Foo '946. As such, Applicant refers the Examiner to the assignment recorded at Reel/Frame 012238/0044, which establishes the present invention and Foo '946 et al. were commonly owned. The assignee of the present application is now General Electric Co., of which GE Medical Systems Global Technology Co., LLC is a wholly owned subsidiary thereof.

Accordingly, as both the present application and Foo '946 were obligated to assign the rights of their invention to the same assignee, and Foo '946 only qualifies as prior art under 35 U.S.C. §102(e), the reference is disqualified as prior art under 35 U.S.C. §103(c). As such, Applicant respectfully requests that the rejection to claim 8 under 35 U.S.C. §103(a) be withdrawn.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-20.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

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General Authorization and Extension of Time

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 07-0845. Should no proper payment be enclosed herewith, as by credit card authorization being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 07-0845. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extensions under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 07-0845. Please consider this a general authorization to charge any fee that is due in this case, if not otherwise timely paid, to Deposit Account No. 07-0845.

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